

00862.023527

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: K. A. Thornewell
TERUYOSHI WASHIZAWA)	
	:	Group Art Unit: 2128
Application No.: 10/812,868)	
	:	Confirmation No.: 4554
Filed: March 31, 2004)	
	:	
For: METHOD AND APPARATUS OF)	May 24, 2007
OPTIMALLY DESIGNING A	:	
STRUCTURE)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW PREMATURE FINALITY OF OFFICE ACTION

Sir:

A final Office Action was mailed on April 16, 2007, in the above-identified application. For the reasons set forth below, however, it is respectfully submitted that the finality of the Office Action was premature and should be withdrawn.

In paragraph 9 (page 5) the Office Action, Claims 1-14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is based, in part, on the contention that insufficient antecedent basis exists in the claims for the recitations of “each node” and “each element.”

It is respectfully submitted, however, that this is a new ground of rejection that was not necessitated by Applicant's amendment, as these recitations were set forth in the originally-presented claims. Accordingly, pursuant to M.P.E.P. §706.7(a), it is respectfully submitted that the finality of the Office Action is improper and should be withdrawn, and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

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SDM/vnm

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